

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHRIS JONATHAN EPPERSON,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:23-cv-00495-JLT-BAM

Appeal No. 23-15832

**ORDER REVOKING *IN FORMA PAUPERIS*
STATUS ON APPEAL AND DIRECTING
THE CLERK TO SERVE A COPY OF THIS
ORDER ON THE UNITED STATES COURT
OF APPEALS FOR THE NINTH CIRCUIT**

(Doc. 15)

On April 17, 2023, the assigned magistrate judge issued findings and recommendations that recommended dismissal of this action, with prejudice, for failure to comply with Federal Rule of Civil Procedure 8, failure to state a cognizable claim upon which relief may be granted, and failure to establish this Court’s subject matter jurisdiction. (Doc. 6.) On April 18, 2023, Plaintiff filed a document entitled “objection imposition of sanctions,” which consisted of one page containing a series of words, phrases, and sentences, along with a printed document labeled “OPCW,” “Article IX,” “Consultations, Cooperation and Fact-Finding.” (Doc. 7.) On April 24, 2023, the Court adopted the findings and recommendations, and dismissed the action with prejudice for failure to comply with Federal Rule of Civil Procedure 8, failure to state a cognizable claim upon which relief may be granted, and failure to establish subject matter jurisdiction. (Doc. 8.) Judgment entered the same day. (Doc. 9.)¹

¹ On April 25, 2023, Plaintiff filed a document titled “Objections Magistrate Judge Findings and Recommendations,”

On May 31, 2023, Plaintiff appealed. (Docs. 11, 13.) On June 2, 2023, the Ninth Circuit Court of Appeals referred the matter back to this Court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal. (Doc. 15.)

As the findings and recommendations indicate, despite having been provided with the relevant pleading standards, Plaintiff has failed to state a cognizable claim and failed to establish the Court's jurisdiction. (*See* Doc. 6 at 5 ("Plaintiff does not adequately allege that the parties' citizenship is completely diverse. Indeed, Plaintiff identifies James Madison as the plaintiff and he names multiple defendants, some of whom are deceased."; "Plaintiff's amended complaint does not include factual allegations sufficient to state a claim arising under the Constitution, laws, or treaties of the United States.")) Plaintiff has made no attempt to address these deficiencies. Therefore, the Court finds that Plaintiff's appeal is frivolous. Accordingly, the Court **ORDERS**:

1. The appeal is **DECLARED FRIVOLOUS**.
2. Pursuant to 28 U.S.C. § 1915(a)(3), Plaintiff is not entitled to proceed *in forma pauperis* in Appeal No. **23-15832**.
3. Pursuant to Federal Rule of Appellate Procedure 24(a)(4), this order serves as notice to the parties and the United States Court of Appeals for the Ninth Circuit of the finding that Plaintiff is not entitled to proceed *in forma pauperis* for this appeal.
4. The Clerk of Court is directed to serve a copy of this order on the parties and the United States Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

Dated: **June 6, 2023**


UNITED STATES DISTRICT JUDGE

but that document had no content. The Court therefore indicated it would take no action on the April 25, 2023 filing. (Doc. 12.)